

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-03112-NRB**

American Society for the Prevention of Cruelty to Animals v.
The Animal and Plant Health Inspection Service et al
Assigned to: Judge Naomi Reice Buchwald
Cause: 05:552 Freedom of Information Act

Date Filed: 04/08/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Society for the Prevention of
Cruelty to Animals**

represented by **Jennifer Helen Chin**
Simpson Thacher & Bartlett LLP (NY)
425 Lexington Avenue
New York, NY 10017
(212) 455-2265
Fax: (212) 455-2502
Email: jchin@stblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bonnie Weiss McLeod
Cooley LLP (DC)
1299 Pennsylvania Ave., Nw, Suite 700
Washington, DC 20004
(202) 842-7800
Fax: (202) 842-7899
Email: bweissmcleod@cooley.com
ATTORNEY TO BE NOTICED

Erin Murray Estevez
Cooley LLP (DC)
1299 Pennsylvania Ave., Nw, Suite 700
Washington, DC 20004
(202)-728-7065
Fax: (202)-842-7899
Email: eestevez@cooley.com
ATTORNEY TO BE NOTICED

Robert G. Hensley , Jr.
American Society For The Prevention of
Cruelty To Animals NY
(Aspca)
520 Eighth Avenue
New York, NY 10018
(917)-716-5105
Email: robert.hensley@aspca.org
ATTORNEY TO BE NOTICED

Tamara Yvette Feliciano
American Society For The Prevention of
Cruelty To Animals NY
(Aspca)
520 Eighth Avenue
New York, NY 10018
646-832-8759
Email: tamara.feliciano@aspca.org
ATTORNEY TO BE NOTICED

Kaitland Mccann Kennelly
Cooley LLP
55 Hudson Yards

New York, NY 10001
212-479-6643
Email: kkennelly@cooley.com
ATTORNEY TO BE NOTICED

V.

Defendant

**The Animal and Plant Health
Inspection Service**

represented by **Natasha Waglow Teleanu**
United States Attorney's Office, SDNY
86 Chambers Street, 3rd fl.
New York, NY 10007
212-637-2528
Fax: 212-637-2786
Email: natasha.teleanu@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**The United States Department of
Agriculture**

represented by **Natasha Waglow Teleanu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 04/08/2019 | <u>1</u> | COMPLAINT against The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16644863) Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Exhibit 1 – Correspondence)(Kennelly, Kaitland) (Entered: 04/08/2019) |
| 04/08/2019 | <u>2</u> | CIVIL COVER SHEET filed. (Kennelly, Kaitland) (Entered: 04/08/2019) |
| 04/08/2019 | <u>3</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The Animal and Plant Health Inspection Service, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/08/2019) |
| 04/08/2019 | <u>4</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The United States Department of Agriculture, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/08/2019) |
| 04/08/2019 | <u>5</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 04/08/2019) |
| 04/09/2019 | | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Naomi Reice Buchwald. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 04/09/2019) |
| 04/09/2019 | | Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 04/09/2019) |
| 04/09/2019 | | Case Designated ECF. (pc) (Entered: 04/09/2019) |
| 04/09/2019 | <u>6</u> | ELECTRONIC SUMMONS ISSUED as to The Animal and Plant Health Inspection Service. (pc) (Entered: 04/09/2019) |

| | | |
|------------|-----------|--|
| 04/09/2019 | <u>7</u> | ELECTRONIC SUMMONS ISSUED as to The United States Department of Agriculture. (pc) (Entered: 04/09/2019) |
| 04/15/2019 | <u>8</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The Animal and Plant Health Inspection Service served on 4/10/2019, answer due 5/10/2019. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/15/2019) |
| 04/15/2019 | <u>9</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The United States Department of Agriculture served on 4/10/2019, answer due 5/10/2019. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/15/2019) |
| 04/15/2019 | <u>10</u> | AFFIDAVIT OF SERVICE (FOIA CASE). Service was made by Certified Mail. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/15/2019) |
| 04/23/2019 | <u>11</u> | NOTICE OF APPEARANCE by Kaitland Mccann Kennelly on behalf of American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 04/23/2019) |
| 05/06/2019 | <u>12</u> | NOTICE OF APPEARANCE by Jennifer Helen Chin on behalf of American Society for the Prevention of Cruelty to Animals. (Chin, Jennifer) (Entered: 05/06/2019) |
| 05/06/2019 | <u>13</u> | NOTICE OF APPEARANCE by Natasha Waglow Teleanu on behalf of The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Teleanu, Natasha) (Entered: 05/06/2019) |
| 05/07/2019 | <u>14</u> | LETTER MOTION for Extension of Time <i>to respond to the complaint</i> addressed to Judge Naomi Reice Buchwald from Natasha W. Teleanu dated 5/7/2019. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Teleanu, Natasha) (Entered: 05/07/2019) |
| 05/07/2019 | <u>15</u> | MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16835541. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Erin M. Estevez, # <u>2</u> Exhibit Certificate of Good Standing – Virginia, # <u>3</u> Exhibit Certificate of Good Standing – District of Columbia, # <u>4</u> Text of Proposed Order)(Estevez, Erin) (Entered: 05/07/2019) |
| 05/07/2019 | <u>16</u> | ORDER: granting <u>14</u> Letter Motion for Extension of Time. Application Granted. (Signed by Judge Naomi Reice Buchwald on 5/07/2019) (ama) (Entered: 05/07/2019) |
| 05/07/2019 | | Set/Reset Deadlines: The Animal and Plant Health Inspection Service answer due 5/24/2019; The United States Department of Agriculture answer due 5/24/2019. (ama) (Entered: 05/07/2019) |
| 05/07/2019 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>15</u> MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16835541. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ma) (Entered: 05/07/2019) |
| 05/08/2019 | <u>17</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>15</u> Motion for Erin M. Estevez to Appear Pro Hac Vice. (Signed by Judge Naomi Reice Buchwald on 5/08/2019) (ama) (Entered: 05/08/2019) |
| 05/14/2019 | <u>18</u> | MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16878453. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Bonnie Weiss McLeod, # <u>2</u> Exhibit Certificate of Good Standing – Virginia, # <u>3</u> Exhibit Certificate of Good Standing – District of Columbia, # <u>4</u> Text of Proposed Order)(Weiss McLeod, Bonnie) (Entered: 05/14/2019) |
| 05/14/2019 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>18</u> MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-16878453. Motion and supporting papers to be |

| | | |
|------------|-----------|--|
| | | reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 05/14/2019) |
| 05/14/2019 | <u>19</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>18</u> Motion for Bonnie Weiss McLeod to Appear Pro Hac Vice. (Signed by Judge Naomi Reice Buchwald on 5/14/2019) (ama) (Entered: 05/14/2019) |
| 05/20/2019 | <u>20</u> | LETTER MOTION for Leave to File Amended Complaint addressed to Judge Naomi Reice Buchwald from Erin M. Estevez dated May 20, 2019. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 05/20/2019) |
| 05/20/2019 | <u>21</u> | ORDER granting <u>20</u> Letter Motion for Leave to File Document. So Ordered. (Signed by Judge Naomi Reice Buchwald on 5/20/2019) (ks) (Entered: 05/21/2019) |
| 05/21/2019 | | Set/Reset Deadlines: The Animal and Plant Health Inspection Service answer due 7/1/2019; The United States Department of Agriculture answer due 7/1/2019. Amended Pleadings due by 5/31/2019. (ks) (Entered: 05/21/2019) |
| 05/31/2019 | <u>22</u> | AMENDED COMPLAINT amending <u>1</u> Complaint, against The Animal and Plant Health Inspection Service, The United States Department of Agriculture.Document filed by American Society for the Prevention of Cruelty to Animals. Related document: <u>1</u> Complaint,. (Attachments: # <u>1</u> Exhibit 1 – ASPCA's correspondence with U.S. Attorney's office)(Estevez, Erin) (Entered: 05/31/2019) |
| 06/14/2019 | <u>23</u> | MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17087364. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Tamara Y. Feliciano, # <u>2</u> Exhibit Certificate of Good Standing – Georgia, # <u>3</u> Text of Proposed Order)(Feliciano, Tamara) (Entered: 06/14/2019) |
| 06/14/2019 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>23</u> MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17087364. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 06/14/2019) |
| 06/18/2019 | <u>24</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>23</u> Motion for Tamara Y. Feliciano to Appear Pro Hac Vice. (Signed by Judge Naomi Reice Buchwald on 6/18/2019) (mro) (Entered: 06/19/2019) |
| 07/01/2019 | <u>25</u> | LETTER MOTION for Conference re: <u>22</u> Amended Complaint, <i>and anticipated partial motion to dismiss</i> addressed to Judge Naomi Reice Buchwald from Natasha W. Teleanu dated 7/1/2019. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Teleanu, Natasha) (Entered: 07/01/2019) |
| 07/08/2019 | <u>26</u> | LETTER RESPONSE in Opposition to Motion addressed to Judge Naomi Reice Buchwald from Erin Estevez dated July 8, 2019 re: <u>25</u> LETTER MOTION for Conference re: <u>22</u> Amended Complaint, <i>and anticipated partial motion to dismiss</i> addressed to Judge Naomi Reice Buchwald from Natasha W. Teleanu dated 7/1/2019. . Document filed by American Society for the Prevention of Cruelty to Animals. (Estevez, Erin) (Entered: 07/08/2019) |
| 07/18/2019 | <u>27</u> | MOTION for Robert G. Hensley, Jr. to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17269970. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Robert G. Hensey, Jr., # <u>2</u> Exhibit Certificate of Good Standing – North Carolina, # <u>3</u> Text of Proposed Order)(Hensley, Robert) (Entered: 07/18/2019) |
| 07/18/2019 | | >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>27</u> MOTION for Robert G. Hensley, Jr. to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17269970. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 07/18/2019) |

| | | |
|------------|-----------|--|
| 07/18/2019 | <u>28</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>27</u> Motion for Robert G. Hensley, Jr. to Appear Pro Hac Vice. (Signed by Judge Naomi Reice Buchwald on 7/18/2019) (ama) (Entered: 07/18/2019) |
| 07/25/2019 | | Minute Entry for proceedings held before Judge Naomi Reice Buchwald: Telephone Conference held on 7/25/2019. (ade) (Entered: 07/31/2019) |